

PLANNING AND ZONING COMMISSION
Monday, February 11, 2008 – MINUTES – Regular Session

Call to Order: Time In: 7:00 p.m.

The Planning and Zoning Commission of the Village of Canal Winchester met on the above date for a regular session and was called to order by Mr. Christensen.

Roll Call

Present: Mr. Christensen, Mr. Graber, Dr. Konold, Mr. Vasko and Mr. Wynkoop. Mr. Wynkoop made a motion to excuse Mr. Knowlton and Ms. Solomon. Dr. Konold seconded the motion. The motion passed unanimously

Approval of Minutes

Mr. Christensen stated under the Planning and Zoning Administrator's report he believes that John Christiansen's name was misspelled. The Chair delayed action on the January 14, 2008 minutes until the March 10, 2008 meeting.

Public Comment – None.

Administration of Public Oath

Mr. Christensen administered the public oath.

Public Hearings

Commercial Development Standards: Mr. Christensen asked if there was anyone present in the audience that would like to speak on the first agenda item, the proposed Commercial Development Standards. Hearing no response Mr. Christensen stated that the public hearing on the Commercial Development Standards would be moved to later in the meeting.

Application #VA-07-03 (A) and #VA-08-01: Allan Neimayer, Planning and Zoning Administrator, stated the next item on the agenda was an application by Alec Land. However, Mr. Land was not present at this time. Mr. Christensen stated this public hearing would also be moved to later in the meeting pending Mr. Land's arrival.

Pending Applications

Application #SDP-08-01 Property Owner Waterloo Crossing Ltd. and Applicant Burger King Corporation, for a property located at 6374 Gender Road, are requesting site development plan approval for a 2,648 square foot Burger King Restaurant. Mr. Neimayer gave the staff report. Mr. Wynkoop asked Mr. Neimayer if the exterior was brick veneer. Mr. Neimayer stated he would defer that question to the Applicant.

Will Wannemacher of Burger King and Jaime Leeseberg of EMH & T were present to answer questions from the Commission. Mr. Leeseberg clarified some of the landscaping comments provided by Dick Miller, Urban Forester. Mr. Leeseberg stated that he had spoken with Mr. Miller to work out the requested tree species.

Mr. Wannemacher stated that brick was chosen by the developer. He further stated that it will be a full size brick, not a veneer. Mr. Wannemacher clarified that the building would have a dark brown brick at the base with a redder brick above.

Mr. Graber thanked the Applicant for complying with previous conditions and stated that all items appeared to be addressed on the updated plans.

Mr. Wynkoop made a motion to approve Application #SDP-08-01 with the conditions that the sign be moved to the required setback, full brick be used, not brick veneer, and the approved landscaping plan shall be the landscaping plan received at tonight's meeting. Mr. Vasko seconded the motion. The motion passed unanimously.

Application #VA-07-03(A) and #VA-08-01 Property Owners Alec Land and Rona Shapiro, for property at 1037 Groveport Road, are requesting an amendment to Variance #VA-07-03 to remove an original condition prohibiting a commercial operation on the property and a variance to Section 1189.06 (a) which prohibits signs in a residential district. Mr. Neimayer gave the staff report.

Mr. Christensen asked Mr. Neimayer if the R-3 (Low Density Residential) section of the Zoning Code specifically addressed horses. Mr. Neimayer stated the R-3 section defers that subject matter to Section 1181.06 of the Zoning Code entitled "Keeping of Horses". Mr. Neimayer also noted the R-3 section of the Zoning Code does not allow any other farm animals.

Mr. Graber asked if there were any other R-3 zoned properties being used for commercially boarding of horses. Mr. Neimayer stated there is a property on Bowen Road used for the training and boarding of horses which was a permitted, non-conforming use in the R-3 Zoning District. Mr. Neimayer also stated that there would be limitations to the Bowen Road property if they chose to make alterations to the building or the property, or if the property burned down.

Mr. Christensen did an additional swearing in for people who were not present at the beginning of the meeting.

Alec Land was present to answer questions from the Commission. He stated that Mr. Neimayer presented a good summary of the project.

Mr. Christensen opened the floor to public comment.

Charles Anderson, 226 Gender Road, stated that he was opposed to a commercial zoning of the property, as the commercial use could spread through the area. Mr. Vasko asked if he had any issues with the property being zoned EU (Exceptional Use), as recommended in the staff report. Mr. Anderson stated he would not have a problem with the EU zoning.

Bob Garbe, 1007 Groveport Road, stated he lives next door to the property and enjoys the horses. Mr. Garbe continued he feared that if the property was zoned commercial the land would not retain its value. Mr. Garbe asked the Commission if the EU zoning would only allow Mr. Land's use, or all commercial uses. Mr. Neimayer replied that the EU zoning would restrict the use to only Mr. Land's proposed use. Any other commercial use, by Mr. Land or a future owner, would require another rezoning application/review process.

Jeffery Bond, 36 Washington Street, stated the previous variance to allow the horse barn did not include a commercial use. Mr. Bond continued he was in agreement with the EU zoning as long

as it stipulated that the property would revert back to residential if the proposed use was discontinued.

Mr. Wynkoop made a motion to close the public hearing. Mr. Vasko seconded the motion. The motion passed unanimously.

Mr. Vasko stated he would prefer to change the zoning of the property to EU rather than grant additional variances.

Mr. Graber asked Mr. Land if the EU rezoning was discussed with him. Mr. Land stated it was, but he felt it would be harder to accomplish, involve more costs, and would not benefit him.

Mr. Vasko stated that he was not opposed to the horses or boarding of the horses, but altering the previous variance and allowing horse boarding as a permitted use in the R-3 district was not the correct way to address the situation.

Mr. Wynkoop stated that he also was not opposed to the boarding of horses. He asked staff if there was a less expensive way for Mr. Land to rezone the property to EU. Mr. Neimayer stated that there was no expedited rezoning process available and a survey of the property would have to be done in order to rezone the property. Mr. Neimayer continued that the only other option was to amend the Section 1181.06 of the Zoning Code to specifically allow the boarding of horses to which . Mr. Neimayer then cautioned the Commission to carefully consider the application of this option.

Mr. Land stated in any case he only wanted to use the property as a horse facility.

Mr. Wynkoop made a motion to table Application #VA-07-07(a) to allow for further discussion when the absent Commission members were present. Mr. Vasko seconded the motion. The motion passed unanimously.

Mr. Wynkoop then made a motion to table Application #VA-08-01 to the next meeting. Dr. Konold seconded the motion. The motion passed unanimously.

Application #SDP08-02 Property Owners Mid-Ohio Historical Museum and Henrietta Pfeifer and Applicant Damon Pfeifer, for property located southeast of 700 Winchester Pike, are requesting site development plan approval for a 4,032 square foot winery and a 2,400 square foot future storage building. Andrew Dutton, Zoning Officer, gave the staff report. Jim Barry, from Bird and Bull, the village engineer for this project, was present to answer any questions. Herb Pfeifer and Damon Pfeifer were present to answer questions from the Commission.

Mr. Vasko asked what the existing barn on Winchester Pike, which was previously submitted as the winery site, was being used for. Mr. Damon Pfeifer stated that it is completely full with storage. He continued to say the future storage building on the doll museum's property would be a storage building for the winery.

Mr. Wynkoop stated he had a problem having a storage building for the winery on the doll museum lot – a separate lot of record. Mr. Damon Pfeifer replied the storage would be used jointly for the doll museum and the winery. Mr. Wynkoop stated the problem was that the accessory structure was not located on the same property as the winery.

Mr. Herb Pfeifer stated he never received the staff report or the agenda for tonight's meeting. Mr. Neimayer stated the information was mailed the previous week to the 100 Pfeifer Drive address. Mr. Herb Pfeifer declared that he could not respond to any items in the staff report because he was not notified of them prior to the meeting. Chris Strayer, Development Director, let the Pfeifers read his copy of the staff report.

Mr. Wynkoop stated he could not move forward on the application until the items in the staff report were addressed. Mr. Herb Pfeifer indicated that he wanted to move forward on the project. He continued he had already been in the process for fifteen months and he did not want to wait another month for approval.

Mr. Christensen explained that the Commission can not grant approval on the application until these items are addressed.

Mr. Herb Pfeifer agreed with the Commission's comments and asked if the application could get on next month's meeting if updated plans were submitted in two weeks. Mr. Neimayer stated that if updated plans were received in two weeks, the application would be placed on next month's Planning and Zoning Commission agenda.

The Commission and the Pfeifers continued to discuss landscaping and screening comments provided by Dick Miller, Urban Forester, as well as parking issues, which were both identified in the staff report.

Dr. Konold suggested moving the future storage building to the rear (east end) of the parking lot to allow more parking spaces to be located within 300 feet of the winery, as required by the Zoning Code. Mr. Damon Pfeifer noted there were existing pine trees located along the rear of the parking lot. He did not know why Mr. Miller was requesting more screening in that area. Mr. Neimayer replied that the pine trees were not indicated on the submitted plans, hence Mr. Miller's comment. Mr. Neimayer stated that all screening (existing and proposed) needs to be shown on submitted plans in order to be taken into consideration during plan review.

Mr. Neimayer then responded to an earlier comment regarding staff's recommendation concerning revising the east property line. This recommendation was intended to line up the east property line of the winery site with the abutting parcel with an existing house. Mr. Herb Pfeifer stated a structure exists in the property line area where a sandbox exists where cripple children come to play. Mr. Neimayer replied this structure also needs to be shown on plans.

The Pfeifers agreed to address the discussed items. Mr. Herb Pfeifer stated he would come in to the Planning and Zoning Department to get a copy of the staff report as well as a copy of the village engineer's recommendations.

Mr. Christensen stated Mr. Neimayer and staff would work with the Applicants to go through the staff recommendations for the next Planning and Zoning Commission meeting.

Mr. Wynkoop made a motion to table Application #SDP-08-02 until the March meeting for the Applicant to address the staff recommendations. Mr. Vasko seconded the motion. The motion passed unanimously.

Application #FDP-08-01 Property Owner Shimangshi1 LLC and Applicant KCDG, for property located on the southeast corner of Diley and Busey roads, are requesting final development plan approval for a 40 acre commercial development. Mr. Neimayer gave the staff report.

Samir Kulkarni of KCDG and Jerry Turner of Bird and Bull, civil engineer for the applicant, were present to answer questions from the Commission.

Mr. Kulkarni addressed the Commission. He inquired if there was any flexibility with the name "Greengate Boulevard". Mr. Neimayer stated the name was requested by Ruth Pifer, original property owner, during the annexation and zoning of the property and the name would be kept for the street.

Mr. Kulkarni responded to the request in the staff report for more tree islands in the parking lot. He stated that more tree island may be possible on the south parking lot, but not on the north property. He elaborated that providing more tree islands in the north lot was not feasible because too many parking spaces would be lost and incorporating islands in the middle of isles would breakup traffic flow.

Mr. Kulkarni stated that the screening buffer between the residential and non-residential developments would be included in updated plans.

The Commission discussed the traffic circle/roundabout on Greengate Boulevard with the Applicant. The Commission had visibility concerns with the roundabout, particularly the size of the wall in the middle. Replacement of the wall with landscaping was discussed. Mr. Kulkarni stated he believed the roundabout was a focal point of the development.

Mr. Kulkarni inquired about the location of access points on Busey Road. Gene Hollins, Village Solicitor, explained that the Busey Road right-of-way was under the jurisdiction of Violet Township, not the village. He further stated that Violet Township felt that the location of the access point off of Busey, which connects to the roundabout at Greengate Boulevard, needed to be moved further to the east. After discussion, it was decided that the location of access points would be determined after a traffic study for the subject property was done.

Mr. Kulkarni initiated discussion regarding the lighting fixtures. He pointed out the lights at Meijer's parking lot were twenty three feet in height. Mr. Vasko replied the taller lights were allowed so that the lights would be higher than the large trees located in the landscape islands. Mr. Kulkarni stated the Applicant has not committed to what light fixture or pole height would be used because the type of architecture for the project was not yet decided. Mr. Kulkarni stated there would be fourteen to eighteen foot tall lighting structures with larger structures possible in the parking lot.

The Commission and the Applicant discussed the proposed signage for the development. Mr. Kulkarni agreed that two directional signs along Diley Road were appropriate for the development, per staff recommendations. The Commission stated they were fine with the curved development signs located at the southwest and northwest corners of the site. Ron Novak of Drawing Department, architect working with Mr. Kulkarni, stated the signs could potentially be smaller depending on the number and type of tenants. He continued that once the details were worked on the project, better sign details could be provided.

Mr. Graber asked if the buildings would have four sided architecture. Mr. Kulkarni stated the block on the rear of the buildings matches in color of the brick typically used. He further stated all roof top structures would be concealed. Mr. Graber stated other developments that have come through have been required to have brick on the back.

Mr. Graber stated he did not agree with staff recommendation number three which required angled parking on the site. He prefers ninety degree parking. After discussion, the Commission and Mr. Kulkarni agreed to keep ninety degree parking on the site.

Mr. Wynkoop made a motion to table application #FDP-08-01. Mr. Vasko seconded the motion. The motion passed unanimously.

Old Business – None.

New Business

The Commission discussed the location of the Meijer complex identification signs. Mr. Neimayer stated with all the past discussions on the Meijer project, he wanted to bring this item to the Commission. From an earlier e-mail sent to the Commission, those responding indicated they were concerned with the location and that it should come before the Commission for discussion.

Mr. Dutton explained there are two existing signs, constructed without the required permits, located closer to Meijer Drive and Road A than indicated on the previously approved variance application allowing the said signs.

Greg Monnig of Woolpert was present on behalf of Meijer. Mr. Monnig stated that he did not feel that the signs posed a safety issue. Mr. Vasko agreed that the signs were not a safety issue. Mr. Graber stated that he went out and looked at both signs and did not have a problem with their locations.

Dr. Konold stated that the sign on Road A near King's Crossing is close to a stop sign and therefore traffic should be slowing down anyway. Mr. Monnig stated that if the sign on Road A is moved back it may interfere with a storm drainage line.

The Commission agreed that the locations of the signs were acceptable.

Public Hearing

The Commission opened the public hearing on the Commercial Development Standards. Mr. Neimayer explained the Steering Committee's recommendations on the October 2007 draft. The Commission and Mr. Neimayer discussed parking space requirements in the Parking Lot Design section of the standards. The Commission discussed how to define a group or section of parking spaces. Mr. Vasko stated that parking sections needed to be broken up and there should not be more than ten spaces without a landscape island. Mr. Neimayer stated that he would get some graphics of different parking aspects to aid the discussion.

Mr. Neimayer brought up the angled parking requirement for large parking lots. This item was discussed at length by the steering committee and consultants. When these proposed standards were first introduced to the Commission last year, the requirement of angled parking was not brought up. Mr. Graber stated he believes angled parking gives a false sense of security for pedestrians walking from the parking lot to/from the store front. Mr. Neimayer disagreed with Mr. Graber's comment. Mr. Neimayer believes angled parking improves traffic circulation and management, and results in smaller drive aisle widths thereby making it better for pedestrian movements. Mr. Neimayer acknowledged the Commission's right to make said change, as done earlier in the meeting with the KCDG application. However, he asked the Commission to bring up these matters earlier in the review/discussion process so that appropriate changes can be made and that staff can direct developers accordingly.

Mr. Wynkoop made a motion to table the proposed Commercial Development Standards to the March 10, 2008 meeting. Mr. Graber seconded the motion. The motion passed unanimously.

Planning and Zoning Administrator's Report

Mr. Neimayer stated that he needed available dates from some of the Commission members for a joint meeting with the Landmarks Commission. He asked the Commission to e-mail him some dates that they were available.

Mr. Neimayer stated the planning subscriptions that Ms. Solomon brought up at last month's meeting were sent in.

Mr. Neimayer informed the Commission that Council denied Byers Auto rezoning at their January 22, 2008 meeting. He continued to say there was no representative from Byers Auto present at the Council meeting.

Adjournment

Mr. Vasko made a motion to adjourn this regular meeting of the Planning and Zoning Commission. Mr. Wynkoop seconded the motion. The motion passed unanimously.

Time Out: 10:40 p.m.

Date _____

Bill Christensen, Chairman

Jeff Graber, Secretary